

REMARKS

Claims 1-10, 22-30, and 41-57 are currently pending. Of these, claims 1, 22, 41, and 57 are independent. The Office Action indicates that claims 44-47 contain allowable subject matter, but maintains the rejections of claims 1, 22, 41, and 57 as being obvious over Hayashi (GB 2,380,908) in view of Dowling (U.S. Pat. App. Pub. No. 2002/0038157), and in further view of Towell (U.S. Pat. No. 5,911,129). Applicant has studied the references, however, and respectfully submits that the reference to Towell does not teach or suggest what is alleged in the Office Action.

Particularly, claim 1 is directed to a mobile communications device that activates and deactivates a complementary multi-media effect in time with the playback of an audio file. The claimed device comprises a processor configured to calculate synchronizing information based on an analysis of the audio contents of an audio file. The processor then "generate[s] a pattern in which to render a complementary multi-media effect synchronously with the playback of the audio file based on the calculated synchronizing information." That is, the processor generates a synchronization pattern that identifies when the complementary multi-media effects are activated/deactivated based on the calculated synchronizing information. This allows the complementary multi-media effects to be rendered synchronously with the playback of the audio contents.

Of the three cited references, the Office Action indicates that only Towell teaches or suggests using calculated synchronization information to generate a synchronization pattern, as claimed. However, Towell does not teach or suggest this limitation of claim 1. This is because Towell does not teach or suggest, or have anything to do with, the synchronization of a complementary multi-media effect to the contents of an audio file.

Towell discloses a method for modifying a speaker's voice such that a listener cannot identify the true identity of the speaker upon playback of the modified voice. For example, a

German male caller having a German accent can disguise his voice such that a remote party on the receiving end hears a female voice with no accent. The caller in Towell may or may not provide information to the remote party to assist the remote party in determining the true identity, gender, ethnicity, etc., of the calling party. See *Towell*, col. 5, ll. 52 – col. 6, ln. 11.

Importantly, Towell deviates from the claimed invention in that it has nothing whatsoever to do with synchronizing complementary multi-media effects to the content of an audio file. This is because Towell converts voice data from one form to another rather than synchronizing one or more complementary multi media effects to the contents of an audio file. As in Towell:

[I]f User A is a Caucasian male with a German accent, he may select to convert his voice into a woman's voice having no accent. After User A speaks into the microphone 11, the analog voice input data is converted into digital data by the voice capture component 13 and sent to the acoustic processor 15. The acoustic processor 15 analyzes the frequency versus time relationship of User A's voice to determine that User A is a male with an ethnic background of German (non-user-specific information). The acoustic processor 15 also compares the frequency versus time relationship of User A's voice with one or more templates of known voices to determine the identity of User A (user-specific information). After the digital voice data is converted into a stream of utterances by the phonetic encoder 17, it is sent to the phonetic decoder 21 of User B where it is converted into a second stream of utterances having a female voice and no accent based on the transformation font sent by User A. The new voice pattern is sent to the second acoustic processor 23 where it is converted for output by the voice playback component 25 for User B.

Towell, col. 5, ln. 52 – col. 6, ln. 4 (emphasis added). Thus, voice conversion is performed by modifying an "original" set of utterances (i.e., the speaker's voice) to produce another, new set of utterances that are then rendered to the remote party. To accomplish this, Towell utilizes an encoder (17). Encoders do not calculate information that is used to synchronize data. In fact, encoders do not perform synchronization functions. Rather, they encode a data stream such that a receiving end receives an altered stream of data.

In the Office Action, the Examiner alleges that Towell teaches using "extracted timbre, pitch, timing, resonance...." with which to synchronize the audio playback to a calculated timbre, pitch, timing, and resonance. See *Final Office Action*, p. 3, ¶[11]. However, this section of

Towell does not support the assertion. This section of Towell teaches encoding and, as stated above, encoding is provides conversion – not synchronization. Indeed, regardless of how Towell performs voice conversion, encoding has nothing to do with the calculation of synchronization information, as claimed. To contend otherwise is conclusory and unsupported by the references.

Towell does not teach or suggest a controller configured to, "generate a pattern in which to render a complementary multi-media effect synchronously with the playback of the audio file based on the calculated synchronizing information." As such, since none of the references alone teaches or suggests this limitation, the combination of the references also fails to teach or suggest this limitation. Therefore, claim 1 and its dependent claims are non-obvious over the references for at least this reason.

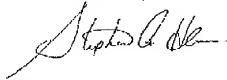
As for the remaining independent claims, each stands rejected as being obvious over Hayashi in view of Dowling and Towell for reasons similar to those stated above. Claim 22 is directed to a method of synchronizing multi-media effects with an audio file stored in memory of a mobile communications device and recites. Claim 41 is directed to a method of synchronizing one or more complementary multi-media effects with an audio file stored in memory. Claim 57 is directed to a circuit having a microprocessor configured to "generate a pattern in which to render one or more complementary multi-media effects synchronously with the audio stream during playback of the audio stream based on the calculated synchronization information." Each independent claim contains language similar to that of claim 1. As such, none are rendered obvious by the cited references for reasons similar to those stated above.

Finally, the Office Action indicates that the dependent claims stand rejected as being obvious over Hayashi in view of Dowling and Towell, and one or more of Vandermeijden (U.S. Pat. App. 2004/0067751), Fredlund (U.S. Pat. No. 6,639,649), Shibata (U.S. Pat. App. Pub. No. 2001/0023197), Adams (U.S. Pat. App. Pub. No. 2003/0017808), Akoi (U.S. Pat. No.

5,763,802), Fujiwara (U.S. Pat. No. 6,800,799), and Goldberg (U.S. Pat. App. No. 2007/0136769). However, the dependent claims are patentable over the cited subject matter because their respective independent claims are patentable. Further, none of these references, alone or in combination, remedies any of Hayashi, Dowling, and Towell, alone or in combination. Therefore, the dependents claims are also allowed.

In light of the foregoing remarks, all pending claims are in condition for allowance. Therefore, Applicant respectfully requests the withdrawal of all rejections and the issuance of a Notice of Allowance.

Respectfully submitted,
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